<u>REMARKS</u>

Claims 1-27 are pending in the Application. Claims 1-27 are rejected under 35 U.S.C. §101. Applicant addresses these rejections below.

I.   <u>REJECTIONS UNDER 35 U.S.C. §101:</u>

The Examiner has rejected claims 1-27 under 35 U.S.C. §101 because these claimed inventions are allegedly directed to non-statutory subject matter. Office Action (5/19/2009), page 2. In particular, the Examiner states, citing *In re Bilski*, that the process claims (claims 1-15) must (1) be tied to a particular machine or apparatus or (2) transform the underlying subject matter (such as an article or material) into a different state or thing. *Id.* As indicated above, Applicant amended claim 1 to include the aspect of a processor performing the step of creating a public/private key pair and a third certificate. Further, as indicated above, Applicant amended claim 7 to include the aspect of a processor performing the step of creating a non-migratable key. Therefore, process claims 1-15 satisfy the test laid out in *In re Bilski* and are directed to statutory subject matter.

Additionally, the Examiner rejects claims 16-24 under 35 U.S.C. §101 because these claims allegedly recite a computer program product that is not clearly on any medium with no computer executable instruction. Office Action (5/19/2009), page 2. As indicated above, Applicant amended the preamble of claims 16 and 21 to recite a computer program product embodied in a computer readable storage medium. Accordingly, claims 16-24 clearly recite a computer program product that is embodied in a computer readable storage medium. Therefore, claims 16-24 are directed to statutory subject matter.

Furthermore, the Examiner rejects claims 25-27 under 35 U.S.C. §101 because these system/apparatus claims are defined merely by software, such as the first and second software, code stored in memory and a trusted platform module. Office Action (5/19/2009), page 2. As indicated above, Applicant amended claims 25 and 26 so that the system claims were not defined by software. Further, Applicant respectfully points out that a trusted platform module is not software but a chip that includes a cryptoprocessor. Hence, claim 26 is not defined merely by software by

including a trusted platform module. Further, the apparatus of claim 27 is not defined merely by software. Claim 27 is not defined by any software component listed by the Examiner on page 2 of the present Office Action. Accordingly, claims 25-27 are directed to statutory subject matter.

As a result of the foregoing, Applicant respectfully asserts that claims 1-27 are directed to statutory subject matter and respectfully requests that the Examiner withdraws the 35 U.S.C. §101 rejections.

II.   CONCLUSION:

As a result of the foregoing, it is asserted by Applicant that claims 1-27 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.
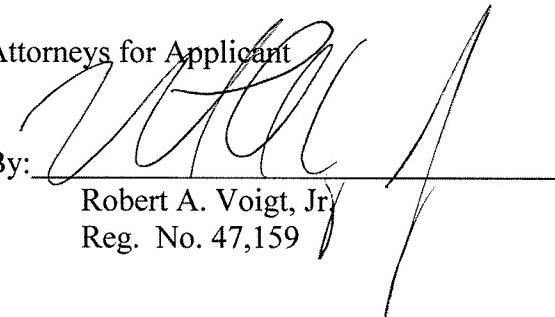
Respectfully submitted,

WINSTEAD P.C.

Attorneys for Applicant

By: _____

Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, TX 75201
(512) 370-2832

Austin_1 574813v.1